

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

ANTONIO FIGUEROA-QUINONES

Plaintiff

vs

CIVIL 98-2101CCC

ROCKY MOUNTAIN HOLDINGS, L.L.C.

Defendant

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U.S. DISTRICT COURT
SAN JUAN, P.R.

ORDER

This action is before us on defendant's Motion in Limine (**docket entry 70**) in which it requests exclusion of all of plaintiff's witnesses, because none of them either have any personal knowledge of the statements made, or had no change in their opinion about the plaintiff as a result of what they heard. Plaintiff opposed the motion (**docket entry 74**).

Having reviewed the deposition testimony, the following witnesses will be excluded for failing to have evidence that would help to establish plaintiff's defamation case:

Luz Vega-Rodríguez –She does not know what Al Alvarez said.

Miguel Montero – He did not hear Alvarez talk about the plaintiff.

César Rodríguez –He did not recall Alvarez calling plaintiff a manipulator. He does not think that he and Alvarez ever discussed plaintiff's job performance. He does not recall Alvarez ever having talked about plaintiff's having been suspended from his job in the past.

Douglas Rosado-Negrón – He heard Alvarez's statement, but it had no influence whatsoever on his perception of the plaintiff and he still considers him a friend.

Héctor Fontañez-Pabellón –He has a very good impression of plaintiff, both personal and professional and nothing that he heard in relation to Rocky Mountain has changed that impression.

Because plaintiff has alleged that Alvarez's purported statements carry with them the innuendo that drugs were involved in his refusal to take the test, evidence demonstrating that Figueroa voluntarily submitted to a drug screening test and that the results were negative will be allowed.

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Accordingly, the Motion is GRANTED as to the above mentioned witnesses, who will be excluded , and denied as to Enrique Cardona and Dennise Torres-Torres. The request for exclusion of the independent drug test is also DENIED.

SO ORDERED.

At San Juan, Puerto Rico, on December 27, 2001.


CARMEN CONSUELO CEREZO
United States District Judge

s/c : L. Aldarondo
C. Bobonis

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